HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.Nos.10698 & 19330 of 2005

Date : 20-11-2007

Between :

M/s. Padmanabha Enterprises,
IOC Distributor,
Represented by its Proprietor
Sri M.Ramanaiah Naidu
And others ..
Petitioners

And

Union of India,
Represented by its Secretary to Government,
Department of Petroleum and Natural Gas,
Central Secretariat,
New Delhi
And others ..
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.Nos.10698 & 19330 of 2005

COMMON ORDER:

1. In these two Writ Petitions, *rule nisi* was issued on 8-9-2005. It is brought to the notice of this Court that a batch of Writ Petitions in W.P.No.9787/2005 & Batch, had been disposed of by this Court by order dated 23-1-2006. It is also stated that in the light of the same, these Writ Petitions are to be dismissed.

2. These Writ Petitions are filed with the following prayers :

W.P.No.10698/2005:

> "To issue a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the decision of the respondent Nos.2 to 4 vide their minutes dated 17-12-2004 as beyond the scope of the guidelines issued by the 1st respondent in its proceedings No.P-20012/65/200-MKT dated 29-11-2004 and therefore arbitrary and beyond the authority of respondent Nos.2 to 4, and issue a consequential directions to respondent Nos.2 to 4 not to give

effect to the decision vide their minutes dated 17-12-2004 and issue further directions that the respondents 2 to 4 shall adhere to the communication of the 1st respondent in proceedings No.P-20012/65/200-MKT dated 29-11-2004 and to pass such other order or orders as this Court may deem fit and proper in the circumstances of the case".

W.P.No.19330/2005:

"To issue a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the order of the 2nd respondent vide Ref.HPCL/VLRO/LPG, dated 12-5-2005 as illegal, beyond the scope of the guidelines issued by the 1st respondent in its proceedings No.P-20012/65/200-MKT dated 29-11-2004 and therefore arbitrary and beyond the authority of respondent No.2 and issue a consequential direction to respondent No.2 not to give effect to the decision vide their minutes dated 17-12-2004 and issue further direction that the respondents 2 to 4 shall adhere to the communication of the 1st respondent in proceedings No.P-20012/65/2000-MKT dated 29-11-2004 and to pass such other order or orders as this Court may deem fit and proper in the circumstances of the case".

3. Several facts had been narrated in the respective affidavits filed in support of these Writ Petitions. Further, the facts in both these Writ Petitions appear to be almost similar and the petitioners are old distributors appointed prior to 2000 i.e., prior to liberalization of L.P.G. markets. While disposing of the Batch of Writ Petitions in W.P.No.9787/2005 and Batch, by order dated 23-1-2006, a learned Judge of this Court observed at paras 10 and 12 as hereunder:

> "What is brought down to close is transfer of customer from established distributors to newly commissioned distributors in case of common areas of operations. The oil companies in its meeting dated 17-2-2004 considered the policy of the MOP & NG and adopted the same. With regard to transfer of customers based on exclusive area of operation, the oil companies have taken a decision that the transfer of customers would continue. It cannot be said that the decision of the oil companies is contrary to the policy of the Central Government contained in their letter dated 29.11.2004. The dealership agreements of the established distributors indicate only locations. What is brought to close by MOP and NG is with regard to transfer of customers from established distributor to newly commissioned distributor with regard to common areas of trading. Therefore, it cannot be said that the decision taken by the oil companies on 17-12-2004 with regard to continuance of transfer of customer based on exclusive area of trading is contrary to the policy of 1st respondent.
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> In the result, Writ Petition Nos.9787, 9791, 9792, 9812, 10326, 10327, 10334, 10338, 13683, 1599, 16002, 16646, 16860, 10708, 17388 of 2005 are

disposed of directing the respective oil companies to take necessary steps to prevent the established distributors from operating their business activities of supplying L.P.G. within the exclusive areas of operations of the newly commissioned distributors and W.P.Nos.14202, 17204, 17194 and 18690 of 2005 are dismissed. No costs."

4. In the light of the view already expressed by a learned Judge of this Court in the aforesaid Batch of Writ Petitions, the present Writ Petitions are liable to be dismissed and accordingly the same shall stand dismissed. No order as to costs.

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Justice P.S.Narayana

Date : 20-11-2007

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